

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: August 6, 2013

TO: THE ZONING BOARD OF APPEALS  
THE TOWN OF NEWBURGH, NEW YORK 12550

I (WE) Dorothy Estes PRESENTLY  
RESIDING AT NUMBER 43 Fletcher Dr. Newburgh NY 12550  
TELEPHONE NUMBER 564-5618 (cell)-845-728-3952

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR  
THE FOLLOWING:

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

93-1-2.21 (TAX MAP DESIGNATION)  
43 Fletcher Drive (STREET ADDRESS)  
R1 (ZONING DISTRICT)

2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Bt Sch 3

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: 8/5/2013
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_

4. DESCRIPTION OF VARIANCE SOUGHT: 15.9 x 24.2

Car port

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

\_\_\_\_\_  
\_\_\_\_\_

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

\_\_\_\_\_  
\_\_\_\_\_

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

\_\_\_\_\_  
\_\_\_\_\_

## d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

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## 6. IF AN AREA VARIANCE IS REQUESTED:

## a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

The Carport fits very nicely with the layout of the neighborhood and compliments the house. It adds value to the property and the surrounding properties. It is welcomed by all the neighbors. There are 3 other Carports in the neighborhood.

## b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

The Carport is necessary for the purpose it was constructed to serve. Safety is a big factor, where we park our cars gets a lot of ice + snow in the winter months. I have an elderly person living in the house who fell and broke his leg getting out of his car on ice. I also stored my son's car who is in the military & deployed overseas.

## c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

There is not enough footage between property lines. This is the only place to put the Carport that would look nice and serve its purpose. The neighbors house is 50ft from the Carport.

## d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

The structure is sound, sturdy & secure. No major changes to the house or property were required for the construction of the Carport. If anything environment conditions would improve by the safety it provides us.

## e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

Unfortunately this hardship was self created but only due to honest ignorance. I was not aware of any requirements to obtain a variance. I apologize for this. The Carport has helped us in many ways, and is nice to feel safer getting in and out of our vehicles.

7. ADDITIONAL REASONS (IF PERTINENT):

The Carport is <sup>well</sup> constructed, looks great, fits nicely in the neighborhood, and is welcomed by all the neighbors. It serves its purposes. It gives us more peace of mind in our safety.

*Dorothy J. Estes*  
PETITIONER(S) SIGNATURE

STATE OF NEW YORK; COUNTY OR ORANGE:

SWORN TO THIS SIXTH DAY OF AUGUST 2013

*Andrew J. Zarutskie*  
NOTARY PUBLIC

ANDREW J. ZARUTSKIE  
Notary Public, State of New York  
No. 01ZA4502524  
Qualified in Orange County  
Commission Expires Nov. 30, 2013

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

## Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

## PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <i>Dorothy Estes</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <i>43 Fletcher Drive</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>off 17K - across from Stewart airport - on Fletcher - dead end street.</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>15.9 x 24.2 Carport on side of house.</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>100 x 150</i> acres    Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly <i>too close to property line</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Dorothy Estes</i>	Date: <i>8/6/13</i>
Signature: <i>Dorothy Estes</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

1

Reset

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING; (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

\_\_\_\_\_  
 Name of Lead Agency

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Title of Responsible Officer

\_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Signature of Preparer (if different from responsible officer)





**TOWN OF NEWBURGH**

*~Crossroads of the Northeast~*

**CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550**

TELEPHONE 845-564-7801  
FAX LINE 845-564-7802

2375-13

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 08/05/2013**

**Application No. 13-0792**

**To: Dorothy Estes  
43 Fletcher Dr  
Newburgh, NY 12550**

**SBL: 93-1-2.21  
ADDRESS: 43 Fletcher Dr**

**ZONE: R-1**

PLEASE TAKE NOTICE that your application dated 08/05/2013 for permit to keep an attached carport that was built without a building permit on the premises located at 43 Fletcher Dr is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code: Bulk table schedule 3

- 1) 30' required for one side yard setback
- 2) 80' required for combined yard setback.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* YES

NAME: DOROTHY ESTES

2375-13

ADDRESS: 43 FLETCHER DR NEWBURGH NY 12550

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: 15.9' X 24.2' ATTACHED CAR PORT

SBL: 93-1-2.21 ZONE: R / 1

TOWN WATER:  NO TOWN SEWER:  NO

ONE SIDE YARD  
COMBINED SIDE YARDS

MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
30'	2.2'		27.8'	92.7%
80'	18.6'		61.4'	76.7%

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 ----- YES / NO  
 2 OR MORE FRONT YARDS FOR THIS PROPERTY ----- YES / NO  
 CORNER LOT - 185-17-A ----- YES / NO

**ACCESSORY STRUCTURE:**

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 ----- YES / NO  
 FRONT YARD - 185-15-A ----- YES / NO  
 STORAGE OF MORE THEN 4 VEHICLES ----- YES / NO  
 HEIGHT MAX. 15 FEET - 185-15-A-1 ----- YES / NO  
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 ----- YES / NO

**NOTES:** NEW SURVEY SUBMITTED. THIS SURVEY HAS DIFFERENT DIMENSIONS THEN THE ONE PREVIOUSLY SUBMITTED AND DISAPPROVED. FILE # 2273-12

**VARIANCE(S) REQUIRED:**

- 1 BULK TABLE SCHEDULE 3 REQUIRES ONE SIDE YARD OF 30' MINIMUM.
- 2 BULK TABLE SCHEDULE 3 REQUIRES A COMBINED SIDE YARD OF 80' MINIMUM
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA DATE: 31-Jan-13





ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:  
NAME(S) OF PARTY(S) TO DOCUMENT

DANIEL M. ESTES  
  
TO  
  
DOROTHY J. ESTES

SECTION 93 BLOCK 1 LOT 2.21

RECORD AND RETURN TO:  
(name and address)



BLOOM & BLOOM, P.C  
530 BLOOMING GROVE TURNPIKE  
P.O. BOX 4323  
NEW WINDSOR, NEW YORK 12553-0323

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN)
- 2001 WASHINGTONVILLE (VLG)
- 2289 CHESTER (TN)
- 2201 CHESTER (VLG)
- 2489 CORNWALL (TN)
- 2401 CORNWALL (VLG)
- 2600 CRAWFORD (TN)
- 2800 DEERPARK (TN)
- 3089 GOSHEN (TN)
- 3001 GOSHEN (VLG)
- 3003 FLORIDA (VLG)
- 3005 CHESTER (VLG)
- 3200 GREENVILLE (TN)
- 3489 HAMPTONBURGH (TN)
- 3401 MAYBROOK (VLG)
- 3689 HIGHLANDS (TN)
- 3601 HIGHLAND FALLS (VLG)
- 3889 MINISINK (TN)
- 3801 UNIONVILLE (VLG)
- 4089 MONROE (TN)
- 4001 MONROE (VLG)
- 4003 HARRIMAN (VLG)
- 4005 KIRYAS JOEL (VLG)

- 4289 MONTGOMERY (TN)
- 4201 MAYBROOK (VLG)
- 4203 MONTGOMERY (VLG)
- 4205 WALDEN (VLG)
- 4489 MOUNT HOPE (TN)
- 4401 OTISVILLE (VLG)
- 4600 NEWBURGH (TN)
- 4800 NEW WINDSOR (TN)
- 5089 TUXEDO (TN)
- 5001 TUXEDO PARK (VLG)
- 5200 WALLKILL (TN)
- 5489 WARWICK (TN)
- 5401 FLORIDA (VLG)
- 5403 GREENWOOD LAKE (VLG)
- 5405 WARWICK (VLG)
- 5600 WAWAYANDA (TN)
- 5889 WOODBURY (TN)
- 5801 HARRIMAN (VLG)

CITIES

- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

NO PAGES 3 CROSS REF. \_\_\_\_\_  
CERT. COPY  ADD'L X-REF. \_\_\_\_\_  
MAP# \_\_\_\_\_ PGS. \_\_\_\_\_

PAYMENT TYPE: CHECK   
CASH   
CHARGE   
NO FEE

Taxable CONSIDERATION \$ 0  
TAX EXEMPT \_\_\_\_\_  
Taxable MORTGAGE AMT. \$ \_\_\_\_\_  
DATE \_\_\_\_\_

MORTGAGE TAX TYPE:

- (A) COMMERCIAL/FULL 1%
- (B) 1 OR 2 FAMILY
- (C) UNDER \$10,000
- (E) EXEMPT
- (F) 3 TO 6 UNITS
- (I) NAT.PERSON/CR. UNION
- (J) NAT.PER-CR.UN/1 OR 2
- (K) CONDO

*Donna L. Benson*  
DONNA L. BENSON  
ORANGE COUNTY CLERK

RECEIVED FROM: Bloom & C

LIBER 5574 PAGE 274

LIBER 5574 PAGE 274

ORANGE COUNTY CLERKS OFFICE 41275 LAL  
RECORDED/FILED 07/16/2001 07:00:00 AM  
FEES 44.00 EDUCATION FUND 5.00  
SERIAL NUMBER: 011227  
DEED CNTL NO 59519 RE TAX .00

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made this 4<sup>th</sup> day of July, 2001,

**BETWEEN:** DANIEL M. ESTES, presently residing at #43 Fletcher Drive, Town of Newburgh, County of Orange, State of New York 12550,  
*party of the first part, and*

DOROTHY J. ESTES, presently residing at #43 Fletcher Drive, Town of Newburgh, County of Orange, State of New York 12550,  
*party of the second part:*

**WITNESSETH**, that the *party of the first part*, in consideration of TEN AND 00/100 DOLLARS (\$10.00), paid by the *party of the second part* does hereby remise, release and quitclaim unto the *party of the second part*, the heirs or successors and assigns of the *party of the second part*, forever,

*#43 Fletcher Drive  
Town of Newburgh  
County of Orange  
State of New York  
(93 - 1 - 2.21)*

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, Orange County, New York more particularly bounded and described as follows:

**BEGINNING** at a point in the westerly line of Fletcher Drive continued, said point being located North 30 degrees, 11' East 376.99 feet from the intersection of the west line of Fletcher Drive with the north line of Florence Road as shown on Map of Lands of Henrietta Virshup dated October 7, 1927, by Blake and Woodhull, Engineers, and runs thence North 63 degrees, 58' West 150 feet; thence North 30 degrees, 11' East 100 feet; thence South 63 degrees, 58' East 150 feet to the westerly line of Fletcher Drive; thence along the westerly line of Fletcher Drive 30 degrees, 11' West 100 feet to the place of **BEGINNING**.

This being a portion of the premises described in Deed made June 28, 1955, by Mary Gagnon to John J. Lease, recorded July 8, 1955, in Liber 1353 of Deeds at Page 139, Orange County Clerk's Office.


**ALSO BEING AND INTENDING TO BE** the same premises as described in that certain Deed dated the 17<sup>th</sup> day of November, 1980, running from James Mari and Helen Mari, husband and wife, to Daniel M. Estes and Dorothy J. Estes, husband and wife, which Deed was thereafter recorded in the Orange County Clerk's Office on the 19<sup>th</sup> day of November, 1980, in Liber 2179 of Deeds at Page 1102.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns forever. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires. This Deed is subject to the trust provisions of Section 13 of the Lien Law.


IN WITNESS WHEREOF, the party of the first part has executed this Deed the day and year first above written.

In presence of:

  
Daniel M. Estes L.S.

STATE OF NEW YORK )  
                                  ) ss.:  
COUNTY OF ORANGE )

On the 4<sup>th</sup> day of July, in the year 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Daniel M. Estes, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

BETTY A. KESTLER  
NOTARY PUBLIC, State of New York  
Residing in Orange County  
# 4902383  
Commission Expires 8/03/01

**Bloom & Bloom, P.C.**  
ATTORNEYS AND COUNSELORS AT LAW

DANIEL J. BLOOM  
PETER E. BLOOM

530 BLOOMING GROVE TURNPIKE  
(AT THE PROFESSIONAL CIRCLE)  
P.O. BOX 4323  
NEW WINDSOR, NEW YORK 12553  
TELEPHONE (845) 561-6920  
FAX: 845-561-0978

August 15, 2001

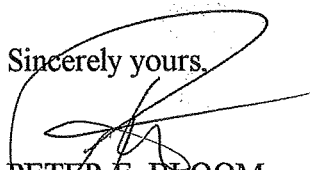
*Ms. Dorothy Estes*  
*43 Fletcher Drive*  
*Newburgh, New York 12550*

RE: *OUR File No.: 11288*  
ESTES to ESTES

Dear Dorothy:

I am pleased to forward herewith for your permanent records, the Deed dated July 4, 2001, running from Daniel M. Estes to yourself which Deed was thereafter recorded in the office of the Orange County Clerk on July 16, 2001, in Liber 5574 of Deeds at page 274.

Sincerely yours,



PETER E. BLOOM  
PEB/kj  
Enclosure